

JPW

PATENT
ATTORNEY DOCKET NO.: 051438-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Nadine BURTON et al.)	Confirmation No.: 8062
)	
Application No.: 10/712,265)	Group Art Unit: 3761
)	
Filed: November 14, 2003)	Examiner: <i>Unassigned</i>
)	
For: MEDICAL VACUUM ASPIRATION)	
DEVICE)	

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop Amendment**
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits in the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

The listed documents were cited in a PCT International Search Report dated December 15, 2004, from the European Patent Office in a counterpart PCT application. A copy of the Search Report is enclosed for the Examiner's consideration.

A copy of the foreign patent documents is attached. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

1. European Publication No. EP 0 836 858 A1. The relevance of this document can be understood from the attached English-language Abstract and from the figures.

2. European Publication No. EP 0 948 971 A1. The relevance of this document can be understood from the attached English-language Abstract and from the figures.

3. French Publication No. 1.077.898. The relevance of this document is that it involves a device for a blood test.

4. European Publication No. 0 150 666 A1. The relevance of this document is that it involves a seal for a urine catheter.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents is material or constitutes "Prior Art." If it should be determined that any of the listed documents does not constitute "Prior Art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

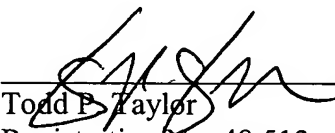
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 16, 2005



Todd P. Taylor
Registration No. 48,513

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

PTO Form 1449

Attorney Docket No.:

051438-5002

Application No.:

10/712,265

Applicant(s):

Nadine BURTON et al.

Page 1 of 1

Filing Date: November 14, 2003

Group: 8062

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
	4,576,593	March 18, 1986	Mommer			
	5,713,914	February 3, 1998	Lee			
	6,364,853	April 2, 2002	French <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub Class	Translation Yes	No
EP 0 836 858 A1 (w/English language abstract)	April 22, 1998	EPO				
EP 0 948 971 A1 (w/English language abstract)	October 13, 1999	EPO				
FR 1,077,898	November 12, 1954	FR				
EP 0 150 666 A1	August 7, 1985	EPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication.